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OCT 27 2004

Patent Application
2771-357 DIV (7486)IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: VAN BUSKIRK et al.

Application No.: 09/928,860

Date Filed: August 13, 2001

Title: SCALABLE LEAD ZIRCONIUM
TITANATE (PZT) THIN FILM
MATERIAL AND DEPOSITION
METHOD, AND FERROELECTRIC
MEMORY DEVICE STRUCTURES
COMPRISING SUCH THIN FILM
MATERIAL

Docket No.: 2771-357 DIV

Examiner: FULLER, Eric B.

Art Unit: 1762

Confirm. No.: 8391

Customer No.:

25559

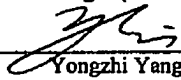
FACSIMILE TRANSMISSION CERTIFICATE

ATTN: Examiner Eric B. FULLERFax No.: (703) 872-9306

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on October 27, 2004, to United States Patent and Trademark Office facsimile transmission number (703) 872-9306.

5

Number of Pages (including cover)


Yongzhi Yang

October 27, 2004

Date

**SUBMISSION OF NOTICE OF APPEAL
IN RESPONSE TO SEPTEMBER 16, 2004 ADVISORY ACTION AND
REQUEST FOR TWO-MONTH EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a)
IN UNITED STATES PATENT APPLICATION NO. 09/928,860**

Mail Stop AF
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Sir/Madam:

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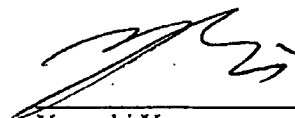
Patent Application
2771-357 DIV (7486)

In response to the September 16, 2004 Advisory Action in the above-identified application, Applicants hereby submit a Notice of Appeal, together with a Request for Two-Month Extension of Time under 37 C.F.R. 1.136(a), thereby extending the time to file such Notice of Appeal from August 28, 2004 to October 28, 2004.

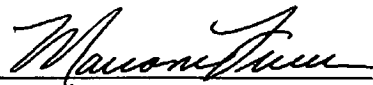
The Office is hereby authorized to charge the \$770.00 official fees (including the \$340.00 fee for filing the Notice of Appeal and the \$430.00 for requesting a two-month extension of time) to the credit card specified in the Credit Card Payment Form enclosed herewith. The Office is further authorized to charge any deficiency, and credit any overpayment, to the Deposit Account No. 08-3284 of Intellectual Property Technology Law.

If any issues remain outstanding, incident to the formal allowance of the application, the Examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

Respectfully submitted,



Yongzhi Yang
Reg. No. (see attached)
Attorney for Applicants



Marianne Fuierer
Reg. No. 39,983
Attorney for Applicants

INTELLECTUAL PROPERTY/
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Patent Application
2771-357 DIV (7486)

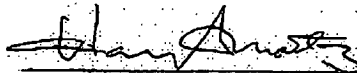
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

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Yongzhi Yang is hereby given limited recognition under 37 CFR § 11.9(b) as an employee of Intellectual Property Technology Law to prepare and prosecute patent applications wherein the patent applicant is the client of Intellectual Property Technology Law, and the attorney or agent of record in the applications is a registered practitioner who is a member of Intellectual Property Technology Law. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Yongzhi Yang ceases to lawfully reside in the United States, (ii) Yongzhi Yang's employment with Intellectual Property Technology Law ceases or is terminated, or (iii) Yongzhi Yang ceases to remain or reside in the United States, authorized to be employed by an Employment Authorization Card issued pursuant to 8 CFR § 274a.12(c)(9).

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: August 10, 2005




Harry I. Moatz
Director of Enrollment and Discipline

PTO/SB/31 (09-04)

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional): 2771-357 DIV
FACSIMILE TRANSMISSION CERTIFICATE ATTENTION: Eric B. Fuller Fax No. (703) 872-9306 I hereby certify that this document is being filed in the U.S. Patent and Trademark Office, via facsimile transmission to Mail Stop AP, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2004 to USPTO facsimile transmission number (703) 872-9306. Number of Pages: <u>5</u> Yongzhi Yang		In re: Application of VAN BUSKIRK et al. Application Number: 09/928,860 Filed August 13, 2001 For: SCALABLE LEAD ZIRCONIUM TITANATE (PZT) THIN FILM MATERIAL AND DEPOSITION METHOD; AND FERROELECTRIC MEMORY DEVICE STRUCTURES COMPRISING SUCH THIN FILM MATERIAL Art Unit: 1762 Examiner: Eric B. Fuller
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. Final Rejection in the May 28, 2004 Office Action The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>340.00</u> <input type="checkbox"/> Applicant claims small-entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____ <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>08-3284</u> . I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>39,983</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____ <div style="text-align: right; margin-top: 10px;">  Signature Marianne Fuierer Typed or printed name (919) 419-9350 Telephone number October 27, 2004 Date </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<input type="checkbox"/> *Total of _____ forms are submitted.		

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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